



PRESENT:

Mr. Jack R. Wilson, III, Chairman
Mr. Daniel A. Gecker, Vice-Chairman
Mr. Russell J. Gulley
Mr. Sherman W. Litton
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Michael E. Tompkins, Assistant Director/Zoning Administrator,
Development Review, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Darla W. Orr, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department
Mr. Joseph E. Feest, Planning Administrator, Development
Review, Planning Department

Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Deanna D. Atkins, Administrative Secretary,
Administrative Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. Stan B. Newcomb, Principal Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Acting Water Quality Administrator,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Lt. John P. Jones, Inspector, Office of Fire & Life Safety,
Fire & EMS Department
Ms. Cynthia O. Richardson, Director of Planning,
School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Litton, Wilson, **Gulley**, Bass, Gecker and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

ANNUAL MEETING: **Planning Commission to meet in Room 502 of the Chesterfield County Administration Building.**

ELECTION OF OFFICERS FOR 2006.

- Chairman
- Vice Chairman

REGULARLY SCHEDULED MEETING:

Planning Commission to meet in Room 502 of the Chesterfield County Administration Building.

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Upcoming Agendas.**
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- C. Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- D. Plans and Information Section Update.**
- E. Work Program – Review and Update.**
- F. Consideration of the following Administrative Substantial Accord Determination:**

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
06PD0245 Matoaca	Chesterfield County Police Department	Substantial Accord Determination	Western Hull Street District Police Station
G.	Proposed Code Amendment Relative to Permitted Uses in MH-2 Districts.		
H.	Adjournment.		

Mr. Turner noted that Mr. Gulley would not be present for the Work Session and 3:00 p. m. Afternoon Session but anticipated being present for the 7:00 p. m. Evening Session.

ANNUAL MEETING: **Planning Commission to meet in Room 502 of the Chesterfield County Administration Building.**

ELECTION OF OFFICERS FOR 2006.

• **CHAIRMAN**

Mr. Litton stated the first order of business would be the election of officers for the positions of Chairman and Vice Chairman to the Planning Commission for 2006.

Mr. Litton opened the nominations for the office of Chairman to the Planning Commission for 2006.

Mr. Bass nominated Mr. Jack R. Wilson, III, to serve as Chairman of the Planning Commission.

Mr. Gecker seconded the nomination.

There were no other nominations; therefore, it was on motion of Mr. Bass, seconded by Mr. Gecker, that the Commission resolved to close the nominations for the office of Chairman of the Planning Commission.

AYES: Messrs. Litton, Wilson, Bass and Gecker.
ABSENT: Mr. Gulley.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to elect Mr. Jack R. Wilson, III, to serve as Chairman of the Planning Commission until the next annual meeting.

AYES: Messrs. Litton, Wilson, Bass and Gecker.
ABSENT: Mr. Gulley.

At this time, Mr. Wilson assumed the Chairmanship.

- **VICE CHAIRMAN**

Mr. Wilson opened the nominations for the office of Vice Chairman to the Planning Commission for 2006.

Mr. Litton nominated Mr. Daniel A. Gecker as Vice Chairman to the Planning Commission.

Mr. Bass seconded the nomination.

There were no other nominations; therefore, it was on motion of Mr. Litton, seconded by Mr. Bass, that the Commission resolved to close the nominations for the office of Vice Chairman of the Planning Commission.

AYES: Messrs. Wilson, Litton, Bass and Gecker.
ABSENT: Mr. Gulley.

On motion of Mr. Litton, seconded by Mr. Bass, the Commission resolved to elect Mr. Daniel A. Gecker to serve as Vice Chairman of the Planning Commission until the next annual meeting.

AYES: Messrs. Wilson, Litton, Bass and Gecker.
ABSENT: Mr. Gulley.

At this time, Mr. Gecker assumed the Vice Chairmanship.

REGULARLY SCHEDULED MEETING: **Planning Commission to meet in Room 502 of the Chesterfield County Administration Building.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission amended the agenda to add a new Item F., Citizen Input on Unscheduled Land Use Matters to the 7:00 p. m. Evening Session and reordered the agenda accordingly.

AYES: Messrs. Wilson, Gecker, Litton and Bass.
ABSENT: Mr. Gulley.

B. REVIEW UPCOMING AGENDAS.

Ms. Rogers presented an overview of the Commission's upcoming case schedules for the February 21, March 21, April 18 and May 16, 2006 Planning Commission meetings.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission suspended their By-Laws to allow the addition of two (2) new cases (06SN0189 and 06SN0208) to their February 21, 2006, Evening Session agenda.

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission suspended their By-Laws to increase the caseload to twenty (20) cases to accommodate deferrals only.

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

C. REVIEW DAY'S AGENDA.

Mr. Tompkins presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session, as well as a proposed Code Amendment relating to multifamily and townhouse uses in C-3, C-4 and C-5 Districts to be considered at the 7:00 p. m. Evening Session.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00 p. m. Evening Session.

D. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

Mr. Scott Flanigan, Acting Water Quality Administrator, updated the Commission relative to newly established water quality standards which he noted would impact 116 lakes and ponds State-wide, including the Upper Swift Creek, Falling Creek and Appomattox Reservoirs. He indicated additional information would be forthcoming in March 2006.

E. WORK PROGRAM.

There being no additions, deletions or revisions to the Commission's Work Program, it was the consensus of the Commission to adopt their February 2006 Work Program, as presented by Mr. Turner.

F. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION:

<u>CASE AND DISTRICT</u>	<u>APPLICANT</u>	<u>REQUEST</u>	<u>PROJECT NAME</u>
06PD0245 Matoaca	Chesterfield County Police Department	Substantial Accord Determination	Western Hull Street District Police Station

On motion of Mr. Bass, seconded by Mr. Litton, the Commission confirmed the decision of the Director of Planning that the proposed public facility (Western Hull Street District Police Station) was consistent with the adopted Comprehensive Plan.

AYES: Messrs. Wilson, Gecker, Litton and Bass.
ABSENT: Mr. Gulley.

G. PROPOSED CODE AMENDMENT RELATIVE TO PERMITTED USES IN MH-2 DISTRICTS.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission set the date of, and requested staff advertise, February 21, 2006, for a public hearing to consider a proposed Ordinance Amendment relative to permitted uses in MH-2 Districts.

AYES: Messrs. Wilson, Gecker, Litton and Bass.
ABSENT: Mr. Gulley.

H. ADJOURNMENT.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission adjourned at approximately 1:37 p. m., with the Commission agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Wilson, Gecker, Litton and Bass.
ABSENT: Mr. Gulley.

3:00 P. M. AFTERNOON SESSION

Mr. Wilson, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated that the first order of business would be the consideration of the December 15, 2005, Planning Commission minutes.

On motion of Mr. Litton, seconded by Mr. Bass, the Commission resolved to approve the December 15, 2005, Planning Commission minutes, as written.

AYES: Messrs. Wilson, Gecker, Litton and Bass.
ABSENT: Mr. Gulley.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ **DEFERRALS.**

06PW0202:* In Bermuda Magisterial District, **CHESTER UNITED METHODIST CHURCH** requested deferral to April 18, 2006, for consideration of development standards waivers to paving and curb and gutter for a drive and parking area for approximately thirty (30) cars. This project is commonly known as **CHESTER UNITED METHODIST CHURCH**. This request lies in a Residential (R-7) District on a 0.5 acre parcel fronting approximately 110 feet on the northeast line of Percival Street, also fronting approximately 200 feet on the northwest line of Dodomeade Street and also known as 12131 Percival Street. Tax ID 789-654-7418 (Sheet 26).

Mr. George Bryant, the applicant's representative, requested deferral of Case 06PW0202 to the April 18, 2006, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 06PW0202, Chester United Methodist Church (Chester United Methodist Church), to the April 18, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Litton and Bass.
ABSENT: Mr. Gulley.

◆ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

05PR0372:* In Midlothian Magisterial District, **VILLAGE BANK** requested site plan approval with a thirty-five (35) foot reduction to a fifty (50) foot buffer. This project is commonly known as **VILLAGE BANK-ROBIOUS ROAD**. This request lies in a Multifamily Residential (R-MF) District with Conditional Use Planned Development on a 1.7 acre parcel fronting approximately 450 feet on the north line of Robious Road approximately 400 feet west of Cranbeck Road. Tax ID 741-714-5860 (Sheet 2).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved that approval of the reduction of thirty-five (35) feet to the required fifty (50) foot buffer adjacent to the multifamily residential property to the east for Case 05PR0372, Village Bank (Village Bank-Robious Road) shall be and it thereby was granted, subject to the following condition and review comments:

CONDITION

Plans shall be submitted for administrative review and approval which accomplish the following staff review comments. (P)

REVIEW COMMENTS

1. Provide the pertinent calculations in a VDOT format, such as with the full output from HEC-12 (input is Given C or Composite C), drainage areas, rainfall intensity used for the composition and carry over. (VDOT&T)
2. Provide the detail bolted connection cover to the frame. (VDOT&T)
3. In conjunction with final site plan approval, an electronic copy of the plans, in a format acceptable to the Transportation Department (i.e. DWG, DGN or PDF) must be submitted to the Transportation Department for our archives. (T)
4. Per Proffered Condition 18.d.4, any additional right of way required for the road improvements, including the turn lane along Robious Road, must be dedicated free and unrestricted, to Chesterfield County. These dedications must be completed prior to the issuance of a land disturbance permit for Phase 2. (T)
5. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VPDES permit for construction sites of 1 acre or more, ground water and air quality)" final approval of these plans will not relieve you of your responsibility. (EE)
6. Revise the irrigation plan to show the location of the irrigation meter as shown on the site plan. (P)
7. Revise the light pole locations so that they will not require relocation for the development shown as 'future.' (P)
8. Revise the landscape plan so that the landscape that is calculated for the front yard is located in the front yard and the landscape that is calculated for the buffer is located within the buffer. (P)

9. The buffer requires a landscape density of 1.5 times Perimeter Landscape 'C'. Revise the landscape plan to provide the required landscape density. (P)
10. Provide cutsheets for all exterior building mounted and free standing light fixtures and poles. All light fixtures must be shielded type to prevent glare and limited to 0.5 footcandles at the residential property line. (P)
11. Revise the architectural elevations such that the mechanical units are fully screened from off-site. (P)

AYES: Messrs. Wilson, Gecker, Litton and Bass.

ABSENT: Mr. Gulley.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved that approval of the site plan for Case 05PR0372, Village Bank (Village Bank-Robious Road) shall be and it thereby was granted, subject to the following condition and review comments:

CONDITION

Plans shall be submitted for administrative review and approval which accomplish the following staff review comments. (P)

REVIEW COMMENTS

1. Provide the pertinent calculations in a VDOT format, such as with the full output from HEC-12 (input is Given C or Composite C), drainage areas, rainfall intensity used for the composition and carry over. (VDOT&T)
2. Provide the detail bolted connection cover to the frame. (VDOT&T)
3. In conjunction with final site plan approval, an electronic copy of the plans, in a format acceptable to the Transportation Department (i.e. DWG, DGN or PDF) must be submitted to the Transportation Department for our archives. (T)
4. Per Proffered Condition 18.d.4, any additional right of way required for the road improvements, including the turn lane along Robious Road, must be dedicated free and unrestricted, to Chesterfield County. These dedications must be completed prior to the issuance of a land disturbance permit for Phase 2. (T)
5. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VPDES permit for construction sites of 1 acre or more, ground water and air quality)" final approval of these plans will not relieve you of your responsibility. (EE)
6. Revise the irrigation plan to show the location of the irrigation meter as shown on the site plan. (P)

7. Revise the light pole locations so that they will not require relocation for the development shown as 'future.' (P)
8. Revise the landscape plan so that the landscape that is calculated for the front yard is located in the front yard and the landscape that is calculated for the buffer is located within the buffer. (P)
9. The buffer requires a landscape density of 1.5 times Perimeter Landscape 'C'. Revise the landscape plan to provide the required landscape density. (P)
10. Provide cutsheets for all exterior building mounted and free standing light fixtures and poles. All light fixtures must be shielded type to prevent glare and limited to 0.5 footcandles at the residential property line. (P)
11. Revise the architectural elevations such that the mechanical units are fully screened from off-site. (P)

AYES: Messrs. Wilson, Gecker, Litton and Bass.
ABSENT: Mr. Gulley.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

06TS0214: In Midlothian Magisterial District, **2421 W. D., LLC** requested tentative subdivision plat approval. This development is commonly known as **WALKERS FOREST**. This request lies in a Residential (R-15) District on a 4.08 acre parcel fronting approximately 280 feet on the west line of Buford Road approximately 260 feet south of Brown Summit Road. Tax ID 756-712-8658 (Sheet 7).

Mr. Feest presented an overview of the request and staff's recommendation.

Ms. Carrie Coyner, the applicant's representative, presented a PowerPoint presentation of the proposal and accepted staff's recommendation, noting the proposal, as presented, would limit impacts to environmental resources, minimize impacts on the surrounding neighborhoods and be an acceptable alternative to the construction of a State road.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from the Commission, staff addressed issues relative to improvements to existing transportation facilities; access; County and/or Virginia Department of Transportation (VDOT) "desirable" versus "minimum" private entrance standards and specifications versus public road construction standards; acceptable intersection spacing on Buford Road; and other issues of concern.

Mr. Delmonte Lewis, engineer for the project, addressed concerns relative to vertical design and grading differential of the site, noting those proposed were within the limits approved by the Virginia Department of Transportation.

Mr. Litton expressed concerns relative to the entrance radius not being sufficient to accommodate turning movements of fire and safety vehicles; vertical design; and grading differential of the site.

Mr. Bass stated he was troubled by staff's recommendation for approval as it appeared all the issues had not been resolved and official approvals received and that he agreed with Mr. Litton relative to the grading differential; however, he was not inclined to vote in favor of denial as he felt the issues could be resolved at the time of final subdivision review.

Mr. Gecker expressed concern that neither the Transportation nor Fire Department staff could certify, to his satisfaction, that the road could or could not be constructed to facilitate safe vehicle maneuvering of the proposed access entrance and/or road. He stated the applicant had not demonstrated an ability to comply with access spacing requirements for a public road and, therefore, absent the construction of a public road, he did not feel a recommendation for approval was appropriate.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to deny Case 06TS0214, 2421 W. D., LLC (Walker's Forest).

AYES: Messrs. Wilson, Gecker and Litton.
NAY: Mr. Bass.
ABSENT: Mr. Gulley.

D. FIELD TRIP AND DINNER.

◆ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip Agenda to visit requests sites.

◆ **DINNER LOCATION SELECTION.**

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to meet for dinner at John Howlett's Tavern.

AYES: Messrs. Wilson, Gecker, Litton and Bass.
ABSENT: Mr. Gulley.

E. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Gecker, that the Commission adjourned the Afternoon Session at approximately 3:44 p. m., agreeing to meet at John Howlett's Tavern at 5:00 p. m. for dinner.

AYES: Messrs. Wilson, Gecker, Litton and Bass.
ABSENT: Mr. Gulley.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Wilson, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Litton presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the upcoming months, noting that the February 21, 2006, agenda was comprised of seventeen (17) cases; the March 21, 2006, agenda was comprised of thirteen (13) cases; the April 18, 2006, agenda was comprised of fourteen (14) cases; and the May 16, 2006, agenda was comprised of one (1) case.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

Mr. Gecker announced that the Commission, at their Work Session, elected Mr. Jack Wilson to serve as Chairman for 2006 and expressed appreciation to Mr. Litton for his service as the 2005 Chairman.

Mr. Wilson announced the Commission also elected Mr. Gecker to serve as Vice Chairman for 2006.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ REQUESTS FOR DEFERRAL BY APPLICANTS.

06SN0141: In Clover Hill Magisterial District, **TBA DEVELOPMENT LLC** requested deferral to February 21, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 27.6 acres lying at the northern termini of South Twilight Lane and Ozer Road. Tax IDs 757-696-7441 and 8070 and 758-696-2884 (Sheet 11).

Mr. Andy Scherzer, the applicant's representative, requested deferral to the February 21, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to defer Case 06SN0141 to the February 21, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0157: In Matoaca Magisterial District, **M&K DEVELOPERS, LLC** requested deferral to March 21, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.2 units per acre or less. This request lies on 10.0 acres fronting approximately 710 feet on the west line of North Spring Run Road approximately 360 feet north of Triple Crown Drive. Tax IDs 726-667-5732 and 8728 (Sheet 15).

Mr. Andy Scherzer, the applicant's representative, requested deferral to the March 21, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 06SN0157 to the March 21, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0161: In Bermuda Magisterial District, **BARTHURST HOMES, INC.** requested deferral to February 21, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 7.2 acres fronting approximately 650 feet on the south line of Old Happy Hill Road, also fronting approximately 230 feet on the east line of Branders Bridge Road and located in the southeast quadrant of the intersection of these roads. Tax ID 785-646-8847 (Sheet 34).

No one was present to represent the request; however, staff noted receipt of a written request for deferral from the applicant.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 06SN0161 to the February 21, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0162: In Bermuda Magisterial District, **YI NAN CHOU AND WAN FEN CHOU** requested deferral to April 18, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies in an Agricultural (A) District on 2.7 acres and is known as 11860 Iron Bridge Road. Tax ID 776-653-9843 (Sheet 25).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, requested deferral to the April 18, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 06SN0162 to the April 18, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

05SN0235:* In Midlothian Magisterial District, **DOUGLAS R. SOWERS** requested deferral to April 18, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 89.2 acres fronting approximately 1,770 feet on the west line of County Line Road approximately 650 feet north of Mt. Hermon Road. Tax ID 702-700-5944 (Sheet 4).

Mr. Jim Theobald, the applicant's representative, requested deferral to the April 18, 2006, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to defer Case 05SN0235 to the April 18, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0191:* (Amended) In Midlothian and Matoaca Magisterial Districts, **THE CHESTERFIELD COUNTY BOARD OF SUPERVISORS** requested deferral to February 21, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to General Industrial (I-2) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center and neighborhood mixed use uses. This request lies on 786.4 acres fronting the north line of Midlothian Turnpike between Route 288 and Huguenot Springs Road; on the south line of Midlothian Turnpike

between Route 288 and Old Hundred Road; and fronting the west line of Huguenot Springs Road, approximately 2,800 feet north of Midlothian Turnpike. Tax IDs 710-708-3025, 5217 and 9532; 712-709-9100; 712-710-2733, 8193 and 9557; 712-711-1562 and 2690; 712-712-2923; 713-708-4574; 713-712-Part of 8031; 714-707-6311 and 9182; 714-712-9323; 715-705-2469; 715-706-5039; 715-710-0250 and 8459; 715-711-0444 and 4043; 715-712-3508; 716-710-0846, 1325, 1707 and 2342; 716-713-Part of 5414; 717-708-Part of 2972; 717-711-0537 and 0707; 718-705-6022; 718-706-3636; 719-703-5024; 720-703-7536; and 720-704-Part of 3574 (Sheet 5).

Mr. John Easter, the applicant's representative, requested deferral to the February 21, 2006, Planning Commission public hearing.

Mr. Wilson opened the discussion for public comment.

Mr. David J. Contis, Executive Vice President and Chief Operating Officer of The Macerich Company, owners of Chesterfield Towne Center; supported deferral of the request, stating that a deferral of more than thirty (30) days was warranted to allow the public to adequately address issues of concern and he asked full disclosure of the merits of the request so an intelligent decision could be made based on smart growth principles.

Senator John Watkins, one of the property owners; Mr. Tim Bass, a resident of Salisbury Subdivision; Mr. Steve Erie, representing the Chesterfield Business Council and Chesterfield Chamber of Commerce; Ms. Leslie Holden, a County resident; Ms. Marie Watson, a County resident; and Ms. Marlene Durfee, Executive Director of the Task Force for Responsible Growth, opposed deferral of the request, citing concerns that delays could jeopardize an economic development opportunity for the County.

There being no one else to speak, Mr. Wilson closed the public comment.

In response to questions from the Commission, Messrs. Easter and McCracken indicated that preliminary reports, not a complete traffic study, had been provided and without a thorough analysis of the complete study, staff would be unable to adequately determine and recommend conditions to address necessary road improvements.

Mr. Gecker stated he had hoped a larger area would be zoned simultaneously, noting that several key property owners had withdrawn from the zoning proposal. He asked that staff investigate the possibility of the Commission initiating a zoning application to rezone these properties and advise the Commission at the February 21, 2006, meeting.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission resolved to defer Case 06SN0191 to the February 21, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley and Litton.

ABSTENTION: Mr. Bass.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONERS.**

05SN0328:* In Matoaca Magisterial District, **BERNARD SAVAGE** requested rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-9) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 5.5 acres fronting approximately 300 feet on the north line of Genito Road, also fronting approximately 600 feet on the east line of North Woolridge Road and located in the northeast quadrant of the intersection of these roads. Tax IDs 719-685-2188 and 3788; 719-686-1637, 2337, 2706, 3038, 3423 and 4238; 719-687-Part of 2245; and 720-686-Part of 3234 (Sheet 9).

Mr. James Blalock, the applicant's representative, stated deferral of the request by Mr. Bass was acceptable.

There was no opposition to the deferral.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 05SN0328 to the February 21, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0110:* In Midlothian Magisterial District, **JDC TRADD INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) with Conditional Use Planned Development to allow exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for low density residential use of 1.01 to 2.5 units per acre. This request lies on 22.8 acres fronting approximately 1,200 feet on the north line of the Norfolk Southern Railroad, west of Winterfield Road. Tax IDs 724-710-7957 and 725-710-3079 and 4141 (Sheet 5).

Mr. William Shewmake, the applicant's representative, stated deferral of the request by Mr. Gecker was acceptable.

There was no opposition to the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 06SN0110 to the February 21, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0111:* In Midlothian Magisterial District, **JDC TRADD INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) with Conditional Use Planned

Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for low density residential use of 1.01 to 2.5 units per acre. This request lies on 2.2 acres known as 1400 Winterfield Road. Tax ID 725-710-6268 (Sheet 5).

Mr. William Shewmake, the applicant's representative, stated deferral of the request by Mr. Gecker was acceptable.

There was no opposition to the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 06SN0111 to the February 21, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

05SR0330: In Matoaca Magisterial District, **JAMES F. THACKER** requested a Conditional Use and Conditional Use Planned Development and amendment of zoning district map to permit a bed and breakfast and special events business incidental to a dwelling unit and to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 42.4 acres and is known as 4701 and 4801 Woolridge Road. Tax IDs 720-681-Part of 0327 and 720-682-0474 and 3924 (Sheets 9 and 15).

In response to a question from Mr. Wilson, several individuals indicated they wished to speak to Case 05SR0330; therefore, it was the consensus of the Commission to place the request with those cases requiring discussion.

06SN0112: In Clover Hill Magisterial District, **HARBOUR POINTE SHOPPING CENTER ASSOC. L.C. AND UKROP'S SUPERMARKETS, INC.** requested amendment to Conditional Use (Case 91SN0286) and amendment of zoning district map to increase square footage limitations for the shopping center. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies in a Community Business (C-3) District on 13.6 acres fronting approximately 680 feet on the east line of Harbour View Court approximately 400 feet on the west line of Bayside Lane and fronting approximately forty (40) feet on the north line of Hull Street Road. Tax IDs 727-673-7983, 728-673-0984 and 728-674-4411 (Sheet 15).

Ms. Ashley Harwell, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0112.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0151: In Bermuda Magisterial District, **ROBERT SHERRILL AND FLOYD WASHABAUGH** requested rezoning and amendment of zoning district map from Agricultural (A) to Corporate Office (O-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 0.5 acre and is known as 561 East Hundred Road. Tax ID 817-651-8971 (Sheet 27).

Mr. Robert Sherrill, one of the applicants, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0151 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. In conjunction with any new development or redevelopment on the property, as determined by the Transportation Department, the owner/developer shall construct an additional lane of pavement along Route 10 for the entire property frontage, and dedicate, free and unrestricted, to Chesterfield County any additional right-of-way (or easements) required for these improvements. (T)
2. Prior to any site plan approval or within sixty (60) days of approval of this request, whichever occurs first, one-hundred (100) feet of right-of-way on the south side of Route 10, measured from the centerline of Route 10 adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. Direct vehicular access from the property to Route 10 shall be limited to one (1) entrance/exit. The exact location of this entrance/exit shall be approved by the Transportation Department. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded from Route 10 to the adjacent property to the west. (T)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

06SN0158: In Bermuda Magisterial District, **D. K. WALTERS BUILDERS, INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5 dwellings per acre or less. This request lies on 2.0 acres fronting approximately 280 feet on the east line of Osborne Road approximately 430 feet south of Warfield Estates Drive. Tax ID 794-657-8017 (Sheet 26).

Mr. Dean Hawkins, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0158 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Except for timbering approved by the Virginia Division of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the Department of Environmental Engineering and the approved devices have been installed. (EE)
2. In conjunction with recordation of the initial subdivision plat or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, thirty-five (35) feet of right-of-way on the south side of Osborne Road, measured from the centerline of that part of Osborne Road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. In conjunction with development of the initial subdivision section, the ditch on the south side of Osborne Road shall be relocated to provide an adequate shoulder, as determined by the Transportation Department, for the entire property frontage. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for this improvement. (T)
4. The public water and wastewater systems shall be used. (U)
5. The applicant, subdivider or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for the property:
 - a. \$15,600 per dwelling unit, if paid prior to July 1, 2006; or
 - b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made after June 30, 2006.
 - c. Cash proffers shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
6. A maximum of three (3) residential lots shall be created within the area of this request. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **CODE AMENDMENT RELATING TO MULTIFAMILY AND TOWNHOUSE USES IN C-3, C-4 AND C-5 DISTRICTS.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-159, 19-161 and 19-166 of the Zoning Ordinance relating to multifamily and townhouse uses permitted in the C-3 and C-4 Districts. The proposed amendments would: 1) remove residential multifamily and townhouses from the list of restricted uses in the C-3 District; 2) add residential multifamily and townhouses to the list of Conditional Uses in the C-3 District; and 3) remove references to residential multifamily and townhouses from the C-4 District list of restricted uses. This amendment would also affect properties in the C-5 District since Conditional Uses in the C-3 District are also listed as Conditional Uses in the C-5 District.

◆ ◆ ◆

Mr. Tompkins presented an overview of the proposed Code Amendment and staff's recommendation.

Mr. Wilson opened the discussion for public comment.

Messrs. George Emerson, Jr., a County resident and developer; Norris Hodge, a property owner; Jim Morris of Morris Realty and Development; Sonny Currin, a County resident and developer; Jeff Collins, a County resident and President of Townes and Associates; and Oliver D. "Skitch" Rudy, an attorney, voiced opposition to the proposed amendment and/or asked for deferral to allow interested parties an opportunity to obtain more information and review the proposal.

There being no one else to speak, Mr. Wilson closed the public comment.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to continue the public hearing to February 21, 2006, at 7:00 p. m., with the understanding the public hearing had not been closed and additional comments could be taken at that time.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

Further, on motion of Mr. Gecker, seconded by Mr. Gulley, the Commission scheduled the proposed Code Amendment Relative to Multifamily and Townhouse Uses in C-3, C-4 and C-5 Districts on their February 21, 2006, Work Session agenda.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

The Commission recessed at approximately 8:52 p. m.

The Commission reconvened at approximately 9:02 p. m.

Mr. Turner recalled Case 05SR0330, James F. Thacker.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION
AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

05SR0330: In Matoaca Magisterial District, **JAMES F. THACKER** requested a Conditional Use and Conditional Use Planned Development and amendment of zoning district map to permit a bed and breakfast and special events business incidental to a dwelling unit and to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 42.4 acres and is known as 4701 and 4801 Woolridge Road. Tax IDs 720-681-Part of 0327 and 720-682-0474 and 3924 (Sheets 9 and 15).

Ms. Peterson presented an overview of the request and staff's recommendation, noting the business was originally permitted by a Special Exception in 2003; that this request was a renewal of a previously granted Conditional Use; and if this were a new request, staff would not support the use as the property was located in a residential area experiencing new growth.

Mr. James Thacker, the applicant, presented an overview of the request, noting the business was successful and promoted community business without adversely impacting County public facilities and traffic.

In response to questions from the Commission, Mr. Thacker and his daughter, Ms. Lori Caudill, addressed concerns relating to hours of operation and types of events conducted on the property.

Mr. Wilson opened the discussion for public comment.

Ms. Leslie Bishop; Ms. Laurie Newell; Mr. Kevin Healey; Mr. Brent Smith; and Mr. Scott Nagel, area residents and/or adjacent property owners, opposed the request, citing concerns relative to unacceptable noise levels from the site; encroachment of a commercial use into a residential community; adverse impact to area property values; traffic volumes; the size and scope of events conducted on the property; and other issues of concern.

Mr. Robbie Parker, an area resident, voiced support for, and submitted petitions in support of, the proposal.

Ms. Marlene Durfee, Executive Director of the Task Force for Responsible Growth, suggested the Commission defer the request to allow discussion of the concerns expressed by those present and further suggested that consideration be given to requiring all bed and breakfast use requirements be consistent throughout the County.

In response to questions from the Commission, Mr. Rob Kelly, a Woodlake resident and audio professional, indicated changes had been made that would minimize the sound problems but noted he was not a certified specialist.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Mr. Thacker indicated efforts had been made to reduce the noise problem and assured the Commission the use had not received citations for violations.

In response to questions from Mr. Gulley, Ms. Rogers explained the process by which reported violations would be addressed.

Mr. Gulley expressed concerns relative to the size and number of events permitted, the number of persons allowed to attend the events and that the use was more a commercial than bed and breakfast operation. He stated he would like to see the use eliminated but the case was not styled to penalize the applicant for violations and there was no documentation that the noise problem had been corrected by a certified audio specialist.

Mr. Gecker stated it appeared the community had not had sufficient time to review the proffered conditions and inquired if Mr. Gulley would consider deferring the request to allow the concerned parties to reach a compromise and/or resolve their concerns.

Mr. Gulley indicated he was agreeable to deferring the request provided a certified audio specialist evaluated the noise problem, that Brandermill/Woodlake residents were invited to the discussions/meetings relative to noise abatement testing and that area residents' concerns could be satisfied.

Mr. Bass stated he did not feel the circumstances warranted denying the use as he felt efforts had been made to resolve the issues; however, he had no problem deferring the request based on area residents' concerns that they had not had an opportunity to review the proffered conditions.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission resolved to defer Case 05SN0330 to the March 21, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

Mr. Gecker left the meeting at approximately 10:25 p. m.

05SN0193:* (Amended) In Matoaca Magisterial District, **SBF LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-40) to Residential (R-25) and relief from street access requirements plus a Conditional Use to permit recreational facilities. Residential use of up to 1.74 units per acre is permitted in a Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 61.4 acres fronting approximately 1,950 feet on the west line of Woolridge Road, also fronting approximately 730 feet on the south line of Crown Point Road and located in the southwest quadrant of the intersection of these roads. Tax IDs 717-681-5038 and 6767; 717-682-6832; 718-681-3676; and 718-682-3148 (Sheets 9 and 15).

Ms. Peterson presented an overview of the request and staff's recommendations for approval of the rezoning but denial of the request for relief from street access requirements to allow sixty (60) lots on one (1) access and the waiver to street connectivity requirements.

Mr. Andy Scherzer, the applicant's representative, accepted the recommendation for approval of the rezoning but not denial of the street access and connectivity requirements, noting Residential (R-25) lots were planned, area residents did not want the connection to Crown Point Road, the developer had

proffered cash upfront for road improvements and Proffered Condition 3 had been amended to address concerns expressed by the Matoaca District Commissioner relative to water quality.

Mr. Wilson opened the discussion for public comment.

Ms. Marlene Durfee, Executive Director of the Task Force for Responsible Growth, expressed concerns relative to traffic on Woolridge Road, the reduction of open space requirements and lack of bike trails. She stated she did not oppose the request but asked that alternate designs to minimize the reduction of open space be considered.

Ms. Andrea Epps, a County resident, suggested prudence to waiving the street connectivity requirements and asked that consideration be given to the provision of open space and tree preservation.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Mr. Scherzer stated the open space for the project was being provided in conjunction with the recreational facilities and he felt the proposed development was appropriate for the area at this time.

Mr. Bass stated the applicant's proffered condition for improvements to Woolridge Road would be most beneficial and of the utmost necessity in relieving some of the transportation problems in the area.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 05SN0193 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public water and wastewater systems shall be used. (U)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. The tentative subdivision shall be designed to achieve a .22 phosphorus runoff limitation on-site unless on the date of submission of the tentative subdivision plan, a more restrictive standard is required by Ordinance for on-site runoff limitations, in which case the tentative subdivision shall be designed to meet the more restrictive standard. (EE)
4. A maximum of fifty nine (59) additional dwelling units for a cumulative total of sixty- two (62) dwelling units shall be permitted on the property. (P)
5. The minimum gross floor area for each new dwelling unit shall be 2500 square feet. (P)
6. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI&P)

7. Manufactured homes shall not be permitted. (P)
8. Only one lot shall be permitted access to Crown Point Road. Such lot shall have a minimum lot area of 88,807 square feet. (P)
9. A tree preservation area, containing a minimum width of thirty (30) feet, shall be maintained along the south side of the ultimate right of way of Crown Point Road, extending a minimum of 200 feet west of the ultimate right of way of Woolridge Road. Within this area, any healthy trees that are six (6) inches in caliper or greater shall be retained. As an alternative to this tree preservation, this area shall be landscaped in compliance with the Zoning Ordinance requirements for fifty (50) foot buffers. At the time of subdivision plan review, a landscape plan shall be submitted for review and approval by the Planning Department demonstrating compliance with this condition. (P)
10. Prior to tentative subdivision approval, the developer shall submit certification to the Planning Department that the adjacent landowners have been notified in writing of the submission of the tentative plan to the County for review and approval. The tentative subdivision application shall not be considered complete until such certification has been submitted to the Planning Department. The fifteen (15) day period for appeals to the Planning Commission shall not commence until such certification has been provided. (P)
11. Impacts on Capital Facilities. In addition to the Transportation Contribution described in Proffered Condition 12, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, for infrastructure improvements within the service district for the property:
 - A. If payment is made prior to July 1, 2006, \$6,685.00 per dwelling unit. At time of payment \$6,685.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$5,331.00 for schools, and \$404.00 for fire stations; or
 - B. If payment is made after June 30, 2006, the amount approved by the Board of Supervisors not to exceed \$6,685.00 per dwelling unit pro-rated as set forth in Proffered Condition 11.A. above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made.
 - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - D. Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)
12. Transportation Contribution. The applicant, his successor(s), or assignee(s) (the "Applicant") shall pay to the County of Chesterfield prior to recordation of the initial

subdivision plat the amount of \$525,985.00. If this amount is paid after June 30, 2006, the amount paid shall be adjusted upward by any Board of Supervisors' approved increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made. The payment shall be used for road improvements in accordance with the Board's cash proffer policy. The payment could be used towards road improvements to Woolridge Road.

If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), other than those road improvements identified in Proffered Condition 15, then the transportation contribution in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements as determined by the Transportation Department. Thereafter, the Applicant shall pay the balance of the transportation contribution as set forth in this Proffered Condition. For the purposes of this Proffered Condition, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for any credit. (T)

13. Direct access from the property to Woolridge Road shall be limited to one (1) public road and one (1) private driveway that serves the parcel identified as Tax ID 717-681-5038. The exact location of the public road shall be approved by the Transportation Department. (T)
14. In conjunction with recordation of the initial subdivision plat or within sixty (60) days of a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way, measured from a revised centerline of Woolridge Road based on VDOT Urban Minor Arterial Standards (50 mph) as approved by the Transportation Department, for the entire property frontage shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
15. To provide an adequate roadway system, the developer shall provide the following improvements with initial development of the property:
 - a. Construction of additional pavement along Woolridge Road at the approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
 - b. Widening/improving the north side of Woolridge Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage.
 - c. Reconstruction of the substandard horizontal curve on Woolridge Road, located towards the southern part of the property, as a two (2)-lane roadway to VDOT Urban Minor Arterial Standards (50 mph) with modifications approved by the

Transportation Department. The exact length of this improvement shall be approved by the Transportation Department.

- d. Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
- 16. Construction traffic for the initial development shall be prohibited on Crown Point Road. (P)
- 17. Recreational facilities shall be limited to a walking path, picnic shelter / gazebo and an observation dock. This provision shall not preclude walking paths and/or sidewalks throughout the development. (P)
- 18. The recreational facilities shall primarily serve the surrounding residential community. (P)
- 19. The location of the recreational facilities shall be identified on the record plat. (P)
- 20. The recreational facilities shall only be permitted in conjunction with subdivision development on the property. (P)
- 21. The following shall be recorded as deed restrictions in conjunction with the recordation of any subdivision plat:
 - A. No lot shall be used except for residential purposes. No business uses (profit or non-profit) including home occupations shall be conducted on the premises. Home occupations may be permitted if approved by the Homeowners' Association.
 - B. No improvements including, without limitation, a dwelling, accessory structure, or addition such as a carport, driveway, porch, sidewalk, roof, lamp post, fence, garage, or other outbuildings, landscaping, or, to the extent permitted by law, antenna, or similar device, or change in the exterior color or siding material shall be made, erected, altered, or replaced unless two sets of detailed plans and specifications, including a site plan locating all such improvements and describing exterior finishes (material and color, including roof) have first been submitted to and approved by Declarant in writing.
 - C. Declarant reserves unto itself the right and privilege to install gas lines, water lines, sewer lines, storm sewers, electric lines, telephone and telegraph poles, lines and wires, and other utilities and appurtenances in the street and roads of the Subdivision and along the property lines of the Lots, and to grant to other persons, companies, or corporations any or all of such rights and privileges, but the reservation of such rights shall not relieve any grantee from the obligation to pay the usual and customary charges made with respect to his Lot for the installation and/or connection of utilities.
 - D. In considering requests for approval of fences and hedges, the following general guidelines will be applied:

1. No fence shall be permitted in the front yard of any Lot (between the building setback line and street line).
 2. No fence or hedge shall generally be permitted higher than 42 inches of any Lot.
 3. No chain link fences or fences of other materials similar in nature or appearance will be permitted on any Lot.
- E. Declarant may in its absolute discretion waive or modify these guidelines and consider such other criteria as it shall deem appropriate.
- F. No sign of any kind shall be displayed to public view on any Lot, unless first approved in writing by Declarant, except on sign of not more than four (4) square feet advertising the property for sale or rent, or signs used by a the initial construction and sales period.
- G. No use shall be made of any Lot, or any part thereof which constitutes a nuisance or which would adversely affect the value or marketability of other Lots, No stables, swine, sheep, cows, or the like shall be permitted on any Lot. All trash, garbage and/or rubbish shall be kept in sanitary containers located so as not to be visible from a public street except as necessary for limited times in connection with pickup and removal by disposal services and except during periods of construction.
- H. No driveway, entranceway, or sidewalk shall be constructed on any Lot unless approved as provided in paragraph 2.
- I. No swimming pool shall be located nearer to any street line than the rear building line of the dwelling.
- J. No structure of a temporary character or any trailer, tent, barn, or other outbuildings shall be used on any Lot at any time as a residence, either temporarily or permanently.
- K. No trees over six (6) inches in diameter shall be removed from any Lot without the prior written approval of Declarant.
- L. No portable air conditioner units will be place in any window of a dwelling or other building if visible from a public street.
- M. Except as otherwise provided by applicable law, no exterior television antenna (including "dish" type) or other antennas shall be permitted to extend over five (5) feet above the roofline of any building.
- N. No motor vehicle will be parked on or adjacent to any Lot which does not have a current state license, state inspection sticker, and county license, and no

commercial vehicle, such as a school bus, delivery truck, or other large vehicle or equipment will be parked on a street in the subdivision or on any Lot. No recreational vehicle (mobile home, camping trailer, and other similar vehicles) shall be parked on a street in the Subdivision or on a Lot except in a driveway shown on plans that have been approved as provided in Paragraph 2.

- O. Any one or more of the covenants or restrictions imposed by paragraphs I through 14 above may be waived or modified, in whole or in part, as to the entire Subdivision or any part thereof, by written instrument signed by Declarant and recorded where these restrictions are recorded.
- P. In addition to the foregoing conditions and restrictions, the Lots shall be subject to easements for drainage and utilities, including power and telephone lines, as shown on the plat, and any other easements of record at the time of conveyance of any Lot.
- Q. Invalidation of any one of the provisions of these restrictions by judgment, court order, or otherwise shall in no way affect any of the other provisions which shall remain in full force and effect.
- R. Declarant reserves the right to assign and transfer to any person, persons, or entity some or all of its rights provided herein and in such event such transferee shall have and may exercise all such rights to the same extent as if he, they, or it were the Declarant.
- S. Declarant shall have the full right and privilege to enforce all restrictions and conditions contained herein by appropriate proceeding at law for damages and/or in equity for appropriate injunctive relief and restraining orders to prevent violations, or to require violations to be corrected, together with damages sustained including, without limitation, attorneys' fees and costs. In addition, any Owner shall have, after seventy-five percent (75%) or more of the Lots have been conveyed to purchasers other than builders, the right to enforce compliance with these restrictions as provided in this paragraph.
- T. These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property.
- U. Declarant, as owner of all of the Property subjected to the Declaration, shall, at such time as it deems appropriate, cause to be incorporated under the laws of the

Commonwealth of Virginia a non profit corporation to be named "(Subdivision Name Here) Homeowner's Association" or a similar name (the "Association").

1. All Owners shall be members ("Members") of the Association and shall be entitled to one (1) vote, per each Lot owned by them (provided, however, that if a Lot is owned by more than one owner, the owners of such Lot shall be entitled to only one vote between them), on all matters which are required to be decided by a vote of the Members of the Association.
2. The Members shall annually elect a five (5) member board of directors (the "Board of Directors") which shall be responsible for operating the Association, provided, however, that until such time as eighty-five percent (85%) of the Lots are owned by persons other than builders of the Declarant, the Board of Directors shall consist of five (5) directors all of whom shall be selected by the Declarant.
3. Each year the Board of Directors shall prepare an annual budget (the "Budget") containing an itemization of the expenses, which it anticipates, the Association will incur during the upcoming year to fulfill its responsibilities hereunder. The Budget shall be sent to each owner together with a notice of assessment (the "Annual Assessment") for the owner's pro rata share of the budget, which shall be computed by dividing the total Budget by the number of Lots. Upon receipt of the Annual Assessment, each Owner shall be required to make payment of the same in the manner designated by the Board of Directors.
4. In addition to any Annual Assessments, the Association may levy in any assessment year a special assessment (the "Special Assessment") applicable to that year only for the purpose of defraying in whole or in part the cost of any reconstruction, unexpected repair, or replacement of a capital improvement, including the necessary fixtures and personal property related thereto, provided that any such Special Assessment shall have the consent of the Owners of two-thirds (2/3) of the lots.
5. Any Annual Assessment of Special Assessment (the "Assessments") which is not paid by an Owner within such time as shall be determined by the Board of Directors shall bear interest at a rate per annum determined by the Board of Directors from such date until paid and shall constitute a lien upon the Lot owned by such Member. Such lien shall have priority over all other liens including, without limitation, mortgages, deeds of trust, or any other lien hereafter placed upon any Lot, except a first mortgage of deed of trust securing a loan by a bona fide institutional lender to which such lien shall be subordinate. No Owner may waive or escape liability for the assessments hereunder for any reason. No sale or other transfer shall relieve any owner from liability for any Assessments due nor any Lot from the lien of any Assessments. The amount of any such lien may be enforced by suit or otherwise at the election of the Association and the

Owner shall be required to reimburse the Association for all attorneys' fees and expenses incurred in so doing, the amount of which shall also constitute a lien on the Lot as herein provided. Notwithstanding the above, a party who acquires title to a Lot by virtue of the foreclosure of lien secured by a first mortgage of deed of trust to which this lien is subordinate or by a deed or assignment in lieu of foreclosure any liability of lien chargeable to such Lot on account of any period of time prior to such acquisition of title. Said acquiring party shall, however, be bound by the provisions of this Declaration including, without limitation, Assessments effective after said acquisition of title.

- V. The Declarant hereby reserves the right, at Declarant's sole discretion, to add the Additional Land to the property subject to the Declaration of Protective Covenants.
- W. All private driveways serving each new dwelling unit shall be hardscaped. The exact treatment shall be approved at the time of plan review.
- X. All new garages shall be rear or side loaded. (P)

AYES: Messrs. Wilson, Gulley, Litton and Bass.
ABSENT: Mr. Gecker.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of the request for relief from street access requirements to allow sixty (60) lots on one (1) access for Case 05SN0193.

AYES: Messrs. Wilson, Gulley, Litton and Bass.
ABSENT: Mr. Gecker.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of a waiver to the Residential Subdivision Connectivity Policy for Case 05SN0193.

AYES: Messrs. Wilson, Gulley, Litton and Bass.
ABSENT: Mr. Gecker.

05SN0199:* In Clover Hill Magisterial District, **JACQUELINE AND ROBERT C. HARGRAVE** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) plus relief from street access requirements. Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for low density residential use of 1.5 units per acre or less. This request lies on 36.9 acres fronting approximately sixty (60) feet on the west line of Courthouse Road approximately 560 feet north of Smoketree Drive, also fronting approximately 580 feet on the south line of Berrand Road approximately 1,225 feet west of Courthouse Road. Tax IDs 742-702-7055; 743-701-Part of 7043; 743-702-1454 and 1916; and 744-701-1388 (Sheet 6).

Ms. Peterson presented an overview of the request and staff's recommendations for approval of the rezoning but denial of the request for relief from street access requirements to allow sixty (60) lots on one (1) access and the wavier to street connectivity requirements.

Mr. Andy Scherzer, the applicant's representative, accepted the recommendation for approval of the rezoning but not denial of the street access and connectivity requirements, noting the applicant was providing full cash proffers, buffers, pond protection, tree preservation and minimum lot density and indicating the applicant and area residents had worked together to resolve mutual concerns.

Mr. Wilson opened the discussion for public comment.

Mr. Charles Hundley, President of the Ashley Woods Community Association; Mr. Kevin Walsh, a member of the Church of the Epiphany; Mr. Jules Roberts, representing Smoketree Subdivision; and Mr. David Jefferson, an area property owner, supported the proposal, noting the developer had actively participated in community meetings, listened to and discussed their concerns, responded to their correspondence and telephone inquiries and had proffered conditions they felt would ensure a development that would compliment Ashley Woods while minimizing the construction impact to their community.

Mr. Pat Kelly, a resident of Berrand Road and Ms. Pat Eggleston, an area resident, opposed the request, citing concerns relative to excessive traffic volumes/speeding and numerous accidents on Courthouse Road.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Mr. Scherzer stated Mr. Vaughan was a reputable developer committed to the development of a high quality project and asked the Commission to forward a favorable recommendation to the Board for consideration.

In response to questions from Mr. Gulley, Mr. McCracken addressed safety concerns, traffic volumes and the condition of, and improvements needed for, Berrand and Courthouse Roads.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 05SN0199 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public water and wastewater systems shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property:
 - A. Prior to the issuance of a building permit for each dwelling unit the applicant, subdivider, or assignee(s) shall pay to the County of Chesterfield the following amounts for infrastructure improvement within the service district for the property:
 - i. \$15,600.00 per dwelling unit, if paid prior to July 1, 2006. At time of payment the \$15,600.00 will be allocated pro-rata among the facility costs as follows: \$8,915.00 for roads, \$602.00 for parks and recreation, \$348.00 for library facilities, \$5,331.00 for schools, and \$404.00 for fire stations; or

- ii. The amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit pro-rated as set forth in Proffered Condition 2.A.i. above adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
 - B. At the option of the Transportation Department the roads portion of the cash proffer payment may be reduced for road improvements to Courthouse Road by an amount not to exceed the amount that would be paid in cash proffers for the road component as identified in Proffered Conditions 2.A. above, exclusive of those road improvements identified in Proffered Condition 13, performed by the applicant, subdivider, or assignee(s), as determined by the Transportation Department. For the purposes of this proffer, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is performed, the Applicant shall receive prior written approval by the Transportation Department for any credit amount.
 - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - D. Should any impact fees be imposed by the County of Chesterfield at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B&M)
3. A maximum of fifty (50) additional dwelling units for a cumulative total of fifty one (51) dwelling units shall be permitted on the property. (P)
 4. Manufactured homes shall not be permitted. (P)
 5. The minimum gross floor area for each dwelling unit shall be 2,500 square feet, except that two dwelling units shall be permitted to have a minimum of 2,300 square feet. Except for one (1) dwelling unit, all dwelling units immediately adjacent to Tax ID 742-702-3633 and 742-702-1760 shall have a minimum of 3,000 square feet. (P)
 6. Except where buffers are required by Subdivision Ordinance Section 17-70, a fifteen (15) foot tree preservation strip, exclusive of required yards, shall be maintained along the boundary of the subject property adjacent to Tax ID's 742-702-3633, 742-702-1760, 743-702-9162, 744-702-0933 and 5914, Berrand Road and Ashley Woods East and Finchley Subdivisions. Utility easements shall be permitted to cross this strip in a perpendicular fashion. Any healthy trees that are eight (8) inches in caliper or greater shall be retained within this tree preservation strip except where removal is necessary to accommodate the improvements permitted by the preceding sentence. This condition shall not preclude the removal of vegetation from the tree preservation strip that is unhealthy, dying or diseased. Any open areas of 100 square feet or greater shall either be supplemented with plantings

in accordance with Sections 19-518 (b) & (g)(9) of the Ordinance or shall be furnished with a minimum six (6) foot high privacy fence. A plan depicting this planting/fencing requirement shall be reviewed and approved by the Planning Department at time of Tentative Subdivision plan review. (P)

7. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI&P)
8. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
9. Double siltation fencing shall be provided along the western property edge to provide additional protection for the existing pond on Tax ID 742-702-3633 & 742-701-3196. Location of such fencing shall be determined and approved at time of subdivision construction plan review. (EE)
10. Direct access from the property to Courthouse Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)
11. A private ingress and egress easement shall be provided from the proposed Subdivision Street to Tax ID 744-702-5914. The exact location of this easement shall be determined and approved at time of tentative subdivision approval. (T)
12. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way along the west side of Courthouse Road measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
13. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
 - A. Construction of additional pavement along Courthouse Road at the approved access to provide a right turn lane, if warranted, based on Transportation Department standards.
 - B. Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 13.A. or 2.B., the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall

provide the road improvements within available right-of-way as determined by the Transportation Department. (T)

14. Prior to any construction plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 13, shall be submitted to and approved by the Transportation Department. (T)
15. Any public right of way that extends to the southern boundary of existing Berrand Road shall be constructed to accommodate access in case of emergency and shall be gated to preclude its use other than during emergency situations. The exact design, location and maintenance provisions of this access shall be reviewed and approved by the Fire Department at the time of tentative subdivision plan review. (F)
16. All private driveways shall be hardscaped. The exact treatment shall be approved at the time of plan review. (P)
17. Concentrated drainage and / or drainage from the impervious surfaces of roofs and driveways on lots abutting Tax ID's 742-702-3633, 742-702-1760 shall outfall into a swale or drainage system provided for the purpose of directing this drainage away from the pond located on Tax ID 742-702-3196. (EE)
18. There shall be no direct vehicular access from the property to Old Lewiston Road. (T)
19. It shall be noted on the record plat for any subdivision section recorded on the subject property that there shall be no explicit rights or access to the pond located on Tax ID 742-701-3196 given to the lots recorded therein. (P)
20. Post development drainage shall be designed such that drainage that is directed to the swale located in the rear yards of lots located in Ashley Woods East and Finchley Subdivisions shall be required to have the post-development runoff rate be equal to or less than the pre-development runoff rate and shall be achieved through means other than a SWM/BMP. (EE)

AYES: Messrs. Wilson, Gulley, Litton and Bass.
ABSENT: Mr. Gecker.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of the request for relief from street access requirements to allow fifty-one (51) lots on one (1) access for Case 05SN0199.

AYES: Messrs. Wilson, Gulley, Litton and Bass.
ABSENT: Mr. Gecker.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to recommend approval of a waiver to the Residential Subdivision Connectivity Policy for Case 05SN0199.

AYES: Messrs. Wilson, Gulley, Litton and Bass.

ABSENT: Mr. Gecker.

In accordance with the Commission's By-Laws, it was on motion of Mr. Gulley, seconded by Mr. Bass, that the Commission suspended their By-Laws to allow consideration of Case 05SN0284, Chesdin Development Company.

AYES: Messrs. Wilson, Gulley, Litton and Bass.

ABSENT: Mr. Gecker.

05SN0284:* In Matoaca Magisterial District, **CHESDIN DEVELOPMENT COMPANY** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 1,290.8 acres fronting the south side of River Road southeast of Graves Road, also fronting on the west line of Le Master Road south of River Road. Tax IDs 750-614-4898; 750-616-7388; 750-619-3142; 751-614-Part of 7777; 751-616-1374 and 8457; 752-619-4676; 753-615-Part of 4357; 753-617-1436; 754-618-8390; 754-619-2731, 4817 and 7610; 757-611-9582; 755-612-7662; and 757-615-1498 (Sheets 39, 40, 43 and 44).

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and commercial uses along River Road failed to comply with the Southern and Western Area Plan, the application violated the "Residential Connectivity Policy" and a waiver to the Policy had not been requested and the proffered conditions and Textual Statement contained typographical errors and enforcement/interpretation issues.

Ms. Ashley Harwell, the applicant's representative, did not accept staff's recommendation; presented a PowerPoint presentation denoting how the proposal complied with the goals and principles of the area Plan; and asked the Commission forward a favorable recommendation to the Board of Supervisors.

Mr. Wilson opened the discussion for public comment.

Mr. Thomas Green, an area property owner and Ms. Jacqueline Ferguson, a County resident, voiced opposition to the request, citing concerns relative to density, lake contamination, no runoff containment plan to protect the lake, heavy boat traffic, shoreline erosion, safety, overcrowded schools and the detrimental impact of the proposal on the environmental integrity of the community.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Ms. Harwell indicated direct vehicular access from the property to Graves Road was limited to one (1) public road and would be accessible to only residents of the development.

In response to a question from Mr. Wilson, Ms. Harwell indicated the previously referenced typographical errors and inconsistencies could be quickly corrected/clarified.

Mr. Bass stated he felt the merits of the request warranted a recommendation for approval and encouraged County staff to be proactive relative to providing future public facilities, particularly schools, road improvements and fire stations, to accommodate this, and existing, developments in the area.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 05SN0284 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Numbers 750-614-4898, 750-616-7388, 750-619-3142, 751-614-9698 (part), 751-616-1374, 751-616-8457, 752-619-4676, 753-615-4176 (part), 753-617-1436, 754-618-8390, 754-619-2731, 754-619-4817, 754-619-7610, 755-612-7662, 757-611-9582, and 757-615-1498 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-88 with a conditional use planned development is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Master Plan. The Textual Statement dated April 7, 2005, revised through December 22, 2005, shall be considered the Master Plan. (P)
2. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Density. The maximum number of dwelling units permitted on the Property shall be 575. (P)
4. Cash Proffers. In addition to the Transportation Contribution described in Proffered Condition 12, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permits for infrastructure improvements within the service district for the Property:
 - A. \$6,685 per dwelling unit, if paid prior to July 1, 2006. At the time of payment, \$6,685 will be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks, \$348 for libraries, and \$404 for fire stations; or
 - B. The amount approved by the Board of Supervisors not to exceed \$6,685 per dwelling unit pro-rated as set forth in paragraph A. of this Proffered Condition adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.

- C. Provided, however, that if any building permits issued on the property are for senior housing, as defined in the proffer on age-restriction, the applicant, subdivider, or assignee(s) shall pay \$1,354 per unit to the County of Chesterfield, prior to issuance of a building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2006. The \$1,354 for any units developed shall be allocated among the facility costs as follows: \$602 for parks, \$348 for library facilities, and \$404 for fire stations. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$1,354 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006. Payments in excess of \$1,354 shall be pro-rated as set forth above.
 - D. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M)
5. Age Restriction.
- A. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons," as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein.
 - B. Any dwelling units designated for senior housing, as outlined in Proffered Condition 5.A., shall be noted on the subdivision plat. Such dwellings units shall be grouped together as part of the same development section(s). (P)
6. Manufactured Homes. Manufactured homes shall not be permitted on the Property. (P)
7. Dedication. The following rights-of-way on the Property shall be dedicated, free and unrestricted, to Chesterfield County in conjunction with recordation of the initial subdivision plat, prior to any site plan approval, or upon request by the Transportation Department, whichever occurs first.
- A. Forty-five (45) feet of right-of-way on the south side of River Road, measured from the centerline of that part of River Road immediately adjacent to the Property. (T)
8. Access.
- A. Direct vehicular access from the Property to River Road shall be limited to three (3) public roads. The exact location of these accesses shall be approved by the Transportation Department.

- B. No vehicular access shall be provided from the Property to LeMaster Road. Direct vehicular access from the Property to Graves Road shall be limited to one (1) public road, generally located within 1,000 feet west of the LeMaster Road/Graves Road intersection. The exact location of this access shall be approved by the Transportation Department." (T)
9. Road Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following improvements. If any of the improvements are provided by others, or if they are determined unnecessary by the Transportation Department, then the specific required improvement shall no longer be required by the Developer.
- A. Construction of left and right turn lanes along River Road at each approved access and at the Graves Road intersection, if warranted, based on Transportation Department standards.
- B. Widening/improving the south side of River Road to an eleven (11) foot wide travel lane, measured from the centerline of River Road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one half (1.5) inch of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage.
- C. Reconstructing Graves Road to twenty-four (24) foot wide pavement with seven (7) foot wide unpaved shoulders on each side of the roadway, with modifications approved by the Transportation Department, from River Road to the access into the Property, located west of the LeMaster Road intersection. The exact length of this improvement shall be approved by the Transportation Department.
- D. Provide adequate sight distance, as determined by the Transportation Department, along River Road at the Graves Road intersection.
- E. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the Developer is unable to acquire any "off-site" right-of-way that is necessary for the road improvements described in Proffered Condition 9, the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department.
- F. Prior to any construction plan approval or site plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 9, shall be submitted to and approved by the Transportation Department. (T)

10. Chesterfield County Fire and EMS Department Access to Lake Chesdin ("Emergency Services"). Boat access for Emergency Services to Lake Chesdin from the Property shall be provided at a point and time mutually agreeable to the Developer and to the Chesterfield County Fire and EMS Department. Nothing shall preclude this access point from being at a location used for recreational access. (F)
11. Common Open Space. A minimum of two hundred (200) acres of the gross acreage of the Property shall be provided as Common Open Space. This open space shall include the Resource Protection Area (RPA) parallel to the main body of Lake Chesdin. Trails, lake access, passive recreation, and similar improvements may be constructed in the Common Open Space in accordance with the Chesapeake Bay Protection Act. (P)
12. Transportation Contribution. The applicant, his successor(s), or assignee(s) (the "Applicant") shall pay the following to the County of Chesterfield:
 - A. Prior to recordation of the initial subdivision plat on the Property, the amount of \$1,007,395.
 - B. Prior to the recordation of a cumulative total of more than 113 lots on the Property, the amount of \$1,007,395.
 - C. Prior to issuance of each building permit on lots other than the 226 initially recorded lots on the Property, the amount of \$8,915 per dwelling unit. The initial 226 recorded lots referred to in this Proffer Condition shall be identified on the final check and recorded plats.
 - D. If the amounts above are paid after June 30, 2006, then each amount paid shall be adjusted upward by any Board of Supervisors' approved increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made. The payments shall be used for road improvements in accordance with the Board's cash proffer policy. These payments could be used towards road improvements at the intersection of Nash Road and River Road.
 - E. If, upon the mutual agreement of the Transportation Department and the Applicant, the Applicant provides road improvements (the "Improvements"), other than those road improvements identified in Proffered Condition 9, then the transportation contribution in this Proffered Condition shall be reduced by an amount not to exceed the cost to construct the Improvements as determined by the Transportation Department. Thereafter, the Applicant shall pay the balance of the transportation contribution as set forth in this Proffered Condition. For the purposes of this Proffered Condition, the costs, as approved by the Transportation Department, shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work"). Before any Work is

performed, the Applicant shall receive prior written approval by the Transportation Department for any credit. (T,B&M)

13. Restrictive Covenants. The following restrictive covenants shall be recorded prior to, or in conjunction with, the recordation of any subdivision plat:

- A. Motorized water craft access to Lake Chesdin from the Property shall be subject to the following restrictions:
- (i) Access points shall be owned, operated, and maintained by a homeowner's association and be subject to restrictive covenants.
 - (ii) Motorized water craft access shall be restricted to owners of homes within the Property, and not open to the general public.
 - (iii) To safeguard the water quality of Lake Chesdin as a drinking water source, access to the lake by gasoline powered craft shall be limited to those employing a 4-stroke engine(s) or a Direct Fuel Injected 2-stroke engine(s). Traditional carbureted or electronic fuel injected 2-stroke engines shall be prohibited. All gasoline powered craft shall be registered with the Developer or a homeowners association as the case may be.
- B. Facilities for the sale of gasoline at any access point on Lake Chesdin shall be prohibited on the Property. (P)

AYES: Messrs. Wilson, Gulley, Litton and Bass.
ABSENT: Mr. Gecker.

F. CITIZEN INPUT ON UNSCHEDULED MATTERS.

Ms. Andrea Epps, a County resident, expressed appreciation for the inclusion of the citizen input category on the agenda and asked that consideration be given to beginning the process of revising the Public Facilities Plan.

G. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Litton, that the meeting adjourned at approximately 12:15 a. m. on Wednesday, January 18, 2006, to February 21, 2006, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Wilson, Gulley, Litton and Bass.
ABSENT: Mr. Gecker.

Chairman/Date

Secretary/Date